UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 22 2016

INFORMATION REQUEST LETTER
URGENT LEGAL MATTER
PROMPT REPLY REQUESTED WITHIN 60 DAYS
CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Eureka Foundry Company
1601 Reggie White Boulevard
Chattanooga, Tennessee 37402

Re: Request for Information Pursuant to Section 104 of CERCLA for the Southside Chattanooga Lead Superfund Site (Site) in Chattanooga, Hamilton County, Tennessee

Dear Sir/Madam:

The purpose of this letter is to request that Eureka Foundry Company ("the Company" or "Respondent") respond to the enclosed Information Request. The U.S. Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants or hazardous wastes on or about the above-referenced Site. This investigation requires inquiry into the identification, nature and quantity of materials generated, treated, stored or disposed of at, or transported to the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

The Southside Chattanooga Lead Site is comprised of certain residential properties which are located between Read Avenue, Mitchell Avenue and Carr Avenue in Chattanooga, Hamilton County, Tennessee. The Tennessee Department of Environment and Conservation (TDEC) requested assistance from the EPA Region 4 Emergency Response and Removal Branch (ERRB) after discovering that the lawns of one residence and potentially several more were contaminated with lead along Read Avenue, near downtown Chattanooga. On August 29, 2012, EPA initiated a fund-lead, time-critical removal action for the Site to address the lead contamination identified at the Site. Pursuant to the removal action, lead contaminated soil was removed from a total of 81 residential properties and three church properties along Read, Mitchell and Carr Avenues in the Southside area of Chattanooga south of Main Street.

The Company has operated in Chattanooga, Tennessee at or around 1601 Reggie White Boulevard/ 1601 Carter Street (the Facility), which is located in the vicinity of the Southside Chattanooga Lead Site. The EPA believes that the Company may have information about past operations at the Facility that may assist the Agency in its investigation of the Site. Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, the Company is hereby requested to respond to the Information Request set forth in Enclosure A hereto.

While the EPA seeks the Company's cooperation in this investigation, compliance with the Information Request is required by law. **Failure to respond fully and truthfully to the Information Request**

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within sixty (60) calendar days of receipt of this letter, or to adequately justify such failure to respond can result in EPA pursuing an enforcement action pursuant to Section 104(e) of CERCLA, as amended. This statute, as modified by the Debt Collection Improvement Act of 1996, 40 C.F.R. Part 19, permits the EPA to seek the imposition of penalties of up to thirty-seven thousand, five hundred dollars ($37,500) for each day of continued non-compliance. Please be further advised that providing false, fictitious, or fraudulent statements or representations may subject the Company to criminal penalties under 18 U.S.C. § 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

The Company's response to this Information Request should be mailed to:

F. Marshall Binford, Jr.
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
61 Forsyth St., S.W.
Atlanta, Georgia 30303

Due to the seriousness of the problem at the Site and the legal ramifications of failure to respond properly, the EPA strongly encourages the Company to give this matter immediate attention and to respond to this Information Request within the time specified below. If you have any specific legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Please direct all legal questions to F. Marshall Binford, Jr., Associate Regional Counsel, at (404) 562-9543 or Binford.Marshall@epa.gov. For technical questions, please contact On Scene Coordinator (OSC) Perry Gaughan at telephone number (404) 562-8817. For all other questions, please contact Enforcement Project Manager, Leonardo Ceron, at (404) 562-9129.

Thank you for your cooperation in this matter.

Sincerely,

Leonardo Ceron
Enforcement Project Manager

Enclosure
A) Definitions/Questions

ENCLOSURE A
INFORMATION REQUEST

Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.

2. Precede each answer with the number of the Question to which it corresponds.

3. If information or documents not known or not available to the Company as of the date of submission of a response to this Information Request should later become available to the Company, the Company must supplement its response to the EPA. Moreover, should the Company find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, the Company must notify the of this fact as soon as possible and provide the EPA with a corrected response.

4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.

5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. The Company may, if it desires, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to the Company. The Company should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The terms "you", "Respondent", or "the Company" shall mean the addressee of this Request, and the addressee's, heirs, officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.

3. The terms "Site" and "Southside Chattanooga Lead Site" shall mean and include the residential properties which are located between Read Avenue, Mitchell Avenue and Carr Avenue, where hazardous substances came to be located.

4. The term "Facility" shall mean the business entity, which is or has ever operated in and around Chattanooga, Tennessee at 1601 Reggie White Boulevard and/or 1601 Carter Street, which is located in the vicinity of the Site.

5. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

6. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

7. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

8. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

9. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document

which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

10. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging or barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

11. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

12. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

13. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Questions

1. Identify the person(s) answering these Questions on behalf of Respondent.

2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.

3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents.

4. Provide the name, title, address, and phone number of the individual to whom any future correspondence regarding this matter should be directed.

5. Describe Respondent's relationship to the Facility (i.e. 1601 Carter Street, 1601 Reggie White Boulevard) and to the property located at approximately 1514 Grove Street in Chattanooga, TN.

6. For the Facility, and any other property located in or around the City of Chattanooga, Tennessee, presently or previously owned and/or operated by Respondent, or an entity related to Respondent (i.e., a predecessor, subsidiary, parent corporation, or corporate affiliate such as a brother or sister corporation), provide the following information:

   a. Location and address of each property;
   b. Identify the entity or entities that owned and/or operated at the property and the relationship of that entity to Respondent;
   c. Dates of ownership, lease, and/or operation;
   d. Manufacturing processes;
   e. All types of furnaces and ovens used in operations;
   f. Production volumes;
   g. Identify all employees or contractors whose job responsibilities may have included the management, storage, or disposal of foundry waste, sand, brick, or baghouse dust;
   h. Whether testing of foundry waste, sand, brick, or baghouse dust for lead or other contaminants was conducted and, if so, provide records of the test results;
   i. Describe the use, storage, and disposal of foundry waste, sand, brick, or baghouse dust, identifying the location and address of all storage and disposal areas utilized;
   j. Whether foundry waste, sand, brick, or baghouse dust was made available to the public for fill material, fill dirt, or any other purpose, at any time;
   k. Whether foundry waste, sand, brick, or baghouse dust was secured from the public to prevent it from being taken (e.g., fences, guards, signage indicating "no trespassing" or that the waste contained lead or other hazardous substances).
   l. Identify any person or entity (public or private), including, but not limited to commercial and industrial companies, municipal and government bodies, real estate developers, neighborhoods, or residences, that may have received or obtained foundry waste, sand, brick, or baghouse dust. For each instance, describe the material obtained, whether it contained hazardous substances, and the location and address to which it was taken;

7. For each property identified in response to Question 6, identify all federal, state, and local authorities that regulated the operations dealing with health and safety and environmental concerns for that facility or property.

8. For each property identified in response to Question 6, provide a list of all local, state, and federal environmental permits ever granted (e.g. RCRA permits, NPDES permits, Air permits, etc.).

9. For each property identified in response to Question 6, provide a list of all citations or violations issued to that facility or property by any local, state, and federal environmental organization. Provide copies of all documents associated with such occurrences.

10. For each property identified in response to Question 6, provide any RCRA Facility Investigation (RFI) Reports, RCRA Facility Assessments (RFA) Reports, Corrective Measures Studies, Interim Measures Reports, Confirmatory Sampling Reports, Notices of Hazardous Waste Activity, Closure Plans, and Post-Closure Plans, if any, that have been prepared.

11. For each property identified in Question 6, identify any persons with information about the past disposal practices/policies of Respondent or entities related to respondent as described in Question 6.

12. For each property identified in Question 6, identify all current and/or past production records and describe the contents of such records and provide copies of such records.

13. Identify the legal entity that would be responsible for the liabilities, if any, of Respondent arising from or relating to any release or threatened release of hazardous substances at the Southside Chattanooga Lead Site, including, but not limited to, successors, and individuals.

14. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information that they may have.

15. For each and every Question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.

Certified Mail Form

US Environmental Protection Agency

EPA HELLO COLE, LINDLEY Date: 02/22/2016

New Certified Mail Record

Certified No.: 70082810000043166231
Express No.:
To: Eureka Foundry Company
Street: 1601 Reggie White Boulevard
City: Chatanooga **State:** TN **Zip:** 37402
Sender: Leonardo Ceron **Extension:** 29129 **Floor:** 11
Sender Location: ENFORCEMENT AND COMMUNITY ENGAGEMENT BRANCH
Building: AFC **Unit:** ENFORCEMENT
Alternate Sender: Lindley C. Cole **Alternate Sender Extension:** 28851
Site Name: Southside Chatanooga Lead **Site ID:**

Save Record

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Sent To Eureka Foundry Company
Street, Apt. No.; or PO Box No. 1601 Reggie White Boulevard
City, State, ZIP+4 Chatanooga, Tennessee 37402

PS Form 3800, August 2006 See Reverse for Instructions